

Baker & Hostetler LLP

45 Rockefeller Plaza

New York, NY 10111

Telephone: (212) 589-4200

Facsimile: (212) 589-4201

David J. Sheehan

Keith R. Murphy

Anat Maytal

*Attorneys for Irving H. Picard, Trustee for the
Substantively Consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC
and the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

Adv. Pro. No. 10-05223 (SMB)

ESTATE OF SAM W. KLEIN,

SAM W. KLEIN EIGHTH RESTATED
REVOCABLE TRUST AGREEMENT DATED
JUNE 5, 2007,

BANK OF AMERICA, N.A., in its capacity as
Personal Representative and as Trustee,

MICHAEL S. KLEIN, in his capacity as Personal
Representative and as Trustee,

PETER A. GROSSMAN, in his capacity as
Trustee,

ADAM PISANO, in his capacity as Trustee,

MARITAL TRUST FOR THE BENEFIT OF
JAYNE KLEIN,

TRUST FOR THE BENEFIT OF WARREN
KLEIN,

TRUST FOR THE BENEFIT OF LILLIAN
KLEIN,

TRUST FOR THE BENEFIT OF N.K., and

TRUST FOR THE BENEFIT OF KANDICE
KLEIN,

Defendants.

**NOTICE OF VOLUNTARY DISMISSAL WITHOUT
PREJUDICE OF ADVERSARY PROCEEDING**

PLEASE TAKE NOTICE that Plaintiff Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC (“BLMIS”) under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.* (“SIPA”), and the substantively consolidated estate of Bernard L. Madoff individually (“Madoff”), by and through his counsel Baker & Hostetler LLP, and pursuant to Rule 7041(a)(1)(A)(i) of the Federal Rules

of Bankruptcy Procedure (making Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure applicable in adversary proceedings), hereby dismisses the above-captioned adversary proceeding without prejudice because the parties entered into a settlement agreement on March 31, 2015 pursuant to the Settlement Procedures Order, entered by this Court on November 12, 2010 [Dkt. No. 3181]. Pursuant to Bankruptcy Rule 7041(a)(1)(A)(i), the Trustee is permitted to voluntarily dismiss this adversary proceeding without further order of the court by filing this Notice of Dismissal as, as of the date hereof, no opposing party has served either an answer or a motion for summary judgment.

Date: January 27, 2016
New York, New York

BAKER & HOSTETLER LLP

By: /s/ Keith R. Murphy
45 Rockefeller Plaza
New York, New York 10111
Telephone: (212) 589-4200
Facsimile: (212) 589-4201
David J. Sheehan
Email: dsheehan@bakerlaw.com
Keith R. Murphy
Email: kmurphy@bakerlaw.com
Anat Maytal
Email: amaytal@bakerlaw.com

*Attorneys for Irving H. Picard, Trustee for the
Substantively Consolidated SIPA Liquidation
of Bernard L. Madoff Investment Securities
LLC and the Estate of Bernard L. Madoff*